

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America

v.

MARLON RAYFORD WADE, II

Date of Original Judgment: 12/20/2009

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 09-00094-001

USM No: 06205-003

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

A calculation of the guidelines under the provisions of Fair Sentencing Act of 2010 results in the same base offense level as his previous guideline calculation. After taking into account the multiple substances involved, the total marijuana equivalency is 310.6367 kilograms, which yields a base offense level of 26. Therefore, because the defendant's base offense level remains unchanged, the motion is due to be denied.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/21/2011

/s/ Callie V. S. Granade

Judge's signature

Effective Date: _____
(if different from order date)

United States District Judge

Printed name and title